

**TABLE OF PROPOSED REVISIONS TO
ELEVENTH CIRCUIT RULES AND INTERNAL OPERATING PROCEDURES**

Page	Circuit Rule or IOP	Comments
54	Proposed revisions to IOP 2, <u>Appearance of Counsel Form</u> , following Rule 12.	Proposed revisions resolve an inconsistency between the IOP and Cir. R. 46-5, which requires that the Appearance of Counsel Form be used by counsel.
62	Proposed revisions to IOP 3, <u>Federal Energy Regulatory Commission Proceedings</u> , following Rule 15.	Proposed revisions delete paragraph 2 of the IOP because the paragraph is no longer accurate. The Court no longer draws panels “by lot on a yearly basis” to avoid disqualification problems with Federal Energy Regulatory Commission matters.
73-74	Proposed revisions to Cir. R. 22-1, <u>Certificate of Appealability</u> .	Proposed revisions conform to revisions to FRAP 22, and to new Rule 11 of the Rules Governing § 2254 Cases and § 2255 Cases in the District Courts, that take effect Dec. 1, 2009. The FRAP rule was revised to delete the requirement that the district judge who rendered the judgment either issue a certificate of appealability or state why a certificate should not issue. Instead, the relevant requirements are contained in new Rule 11 of the Rules Governing § 2254 Cases and § 2255 Cases in the District Courts. The proposed revisions maintain the existing policy of the Court that in appropriate circumstances a certificate of appealability may be construed as a notice of appeal, and vice versa.
76	Cross-Reference to FRAP 22 and corresponding circuit rules.	Update the Cross-Reference to include new Rule 11 of the Rules Governing § 2254 Cases and § 2255 Cases in the District Courts.